

**Commissioner's Recommendations on
Education Mandates and the Removal of Burdensome Requirements
(Section 43 of Act 68 of 2003)**

January 15, 2004

Pursuant to Section 43 of Act 68, the Commissioner of Education is charged with making recommendations regarding the removal or revision of burdensome or redundant requirements on local school districts.

Following are the commissioner's recommendations. If a requirement has been determined to be fundamentally needed, further explanation is provided.

(Page numbers refer to the location of the specific mandate in the report)

The commissioner recommends removing the following requirements:

Governor's Diploma (page 14)

The State Board of Education and the Governor will be working on alternative methods of recognizing Vermont's highest academic achievers.

Alcohol and Drug Prevention Policy (page 14)

Recommend that §1165 (d) be amended to eliminate the requirement for sending the policy to the department. The requirement for the report should be retained.

Core Staff Designation (page 17)

The commissioner will recommend rule changes to the State Board.

The following requirements are fundamentally needed, and, therefore, removal is not recommended.

Driver Education (page 2)

The word "provide" in this mandate description is different than the statute, which says that districts "shall include" driver education programs during the regular school day. Districts do not have to provide all of their driver education programs during the school day. This requirement should be kept to ensure some degree of equity for students that might not otherwise have access to these programs. Driver education is part of the total education costs that are used to calculate the block grant.

Criminal Record Checks (page 2)

The cost to school districts of processing criminal records checks is a part of the total cost of education, which is used to calculate the block grant. However, the Commissioner of Education will contact the appropriate law enforcement agencies to determine whether, over time, technology can be used to make this process less costly for school districts.

Mandated School Meals Process (page 3)

The periodic vote by the school board ensures that the issue of good school nutrition is publicly considered on a regular basis.

The following requirements are also fundamentally needed, yet, the commissioner recommends or has implemented the following revisions:

Special Education Audits (page 5)

The Department of Education has implemented some of the report recommendations:

- Future audits will focus only on prior year expenditures
- The department is clearly stating standards and expectation prior to audits
- Legitimate audits must include time studies but department staff is prepared to respond to requests for special situations

Data Collection (page 6)

The Department of Education is currently working with superintendents to begin the creation of an electronic statewide student information system. The implementation of this system will address the mandate recommendations. Please note that we are creating a student *information* system, not a student *management and attendance* system.

Act 51 (page 7)

The department will implement the report's recommendations to review its substance abuse prevention requirements, practices and procedures to ensure that resources are optimized.

Licensing preschool facilities and staff for programs within public schools (page 8)

The proposed recommendation is the current procedure and was formalized through a Memorandum of Understanding between DOE and AHS in the mid-1990s.

Licensing Speech-Language Therapists (page 9)

The department will further investigate this matter and discuss it with the Vermont Standards Board for Professional Educators.

It should be noted that national standards affect this situation as well. In an effort to help districts find needed assistance, the department is developing an online list of special educators who have master's degrees with a major in language.

Reporting to the Public (page 11)

The Department of Education will implement the report recommendations to provide a simple, accessible format for state and/or federally required data collections and to make available data-reporting templates to school districts.

Communicable Disease Report (page 11)

This report is critical to student health and the Department of Health is piloting an online submission process for this report. There is a fundamental need for this incident report in regards to student health. The Department of Health is piloting an online submission process, which would dramatically decrease the time to complete this requirement.

Alcohol and Drug Reporting (page 12)

This report is a federal requirement. The Vermont Department of Education has simplified this process. The report is now loaded on a computer disk and districts only need to update changes annually.

Teacher Licensing Data Collection (page 12)

The initial data collection has been a difficult process for school districts and the Department of Education. However, in future years, districts will only need to electronically update their data file. The department is the central repository for this information, but the school district is the only entity that can authoritatively report teacher assignments.

Local Assessments (page 13)

The Commissioner of Education is currently reviewing options for the local assessment process.

Public Notice of Regulations (page 15)

The Department of Education will investigate the possibility of creating translations for use by all districts.

Essential Early Education Program (page 16)

The Department of Education is undertaking a review of the cost of serving the students in the EEE population. The commissioner may recommend a formula change in the future.

Accountability Systems (page 16)

This request for mandate relief does not request a change to specific regulations or statute. The department continues to review its accountability communications strategy to try to improve communications with the field.

Department of Education Required Documentation and Approval for Alternative Assessments (page 17)

The Department of Education will review the alternative assessment requirements in the State Board Rules.

Emergency Licenses (page 18)

The department has increased its capacity in order to process emergency licenses within three working days once all documentation has been received.

Teacher Tests (page 19)

The State Board is currently reviewing Praxis (teacher test) results data to ensure that this requirement is having the desired results. Therefore, any changes at this time would be premature.

State Mandated Professional Development (page 19)

The Department of Education will investigate ways to work with other appropriate agencies to develop online courses for some professional development.

Health Services Screening Report Health Insurance Status on Emergency Cards (page 20)

The Commissioner of Education will discuss the matter with the Commissioner of Health to determine if there is a more efficient way to gather the necessary information. This information is needed to help preserve the health of students.

Requirement that there be no more than 500 students per licensed school nurse (page 21)

The State Board of Education will be discussing school nurse requirements in the near future.

The following requirements cannot be directly addressed because the recommendations were not specific enough or are not under the purview of Title 16:

Cost Shifts to Education Budgets (page 4)

This particular request does not specify any single mandate that should be repealed. Therefore, the commissioner cannot make a specific recommendation. The commissioner is having ongoing conversations with the Secretary of Human Services, which will include a discussion about the appropriate allocation of the cost of service.

Family Medical Leave Act (page 10)

This act applies to all Vermont employers and is not part of Title 16.

Mandated Policies (page 14)

This request for mandate relief does not request a change to specific regulations or statute; therefore, it is difficult to respond to.

Safe and Healthy Schools Report (page 20)

This recommendation seems to refer to Section 1165 rather than Section 165 and Board Rule 4215 rather than 9215.